

REMARKS

The Applicant sincerely appreciates the thorough examination of the present application as evidenced by the Office Action of September 17, 2008 (the Office Action). In particular, the Applicant appreciates the withdrawal of all rejections from the previous Office Action. In this Amendment, the Applicant has amended Claims 1, 23, and 45 to provide minor clarifications thereof.

In the following remarks, the Applicant will show that all claims are patentable over the cited art. Accordingly, a Notice of Allowance is respectfully requested in due course.

Statement Of The Substance Of The Interview

The Applicant sincerely appreciates all courtesies extended by Examiner Deane during the telephonic interview of October 29, 2008. In particular, the Applicant appreciates the Examiner's agreement that the combination of the cited Williams and Venkateshwaran patents appear not to teach or suggest the recitations of Claim 1 and that if any subsequent office action should be issued, it would be non-final.

The Applicant believes that this paper satisfies all requirements for a Statement of the Substance of the Interview as set forth in 37 C.F.R. Sec. 1.133 and MPEP Sec. 713.04. If the Examiner should believe that any further submission should be required with respect to the telephonic interview of October 29, 2008, the Applicant respectfully requests that the Examiner contact the undersigned attorney (Scott C. Hatfield) via telephone at (919) 854-1400.

Independent Claims 1, 23, And 45 Are Patentable

Independent Claims 1, 23, and 45 have been rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over U.S. Patent No. 6,724,876 to Williams *et al.* ("Williams") in view of U.S. Patent No. 6,072,857 to Venkateshwaran *et al.* ("Venkateshwaran"). The Applicant respectfully submits, however, that Claims 1, 23, and 45 are patentable for at least the reasons discussed below.

Claim 1, for example, recites a method of operating a communication network, the method comprising:

receiving an initiating communication from an initiating device directed to a network administration application, the initiating communication including an identification of the initiating device and an identification of the network administration application;

obtaining an identification of a target device for which action is being requested by the initiating device; and

transmitting a command communication from the network administration application to switch for a subscriber line providing service for the target device, the command communication including the identification of the initiating device, the identification of the target device, and a code identifying the action being requested by the initiating communication;

wherein receiving the initiating communication comprises receiving a call initiating communication from the initiating device and wherein transmitting the command communication comprises forwarding the call initiating communication. (Underline added.)

To establish a *prima facie* case of obviousness, the prior art reference or references when combined must teach or suggest all the recitations of the claims. M.P.E.P. §2143. Furthermore, as recently stated by the U.S. Supreme Court, *KSR International Co. v. Teleflex Inc., et al.*, 550 U.S. 1, 14 (2007), there must be some reason to combine the references in a way that produces the claimed invention, and a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Finally, as set forth in MPEP § 2143, there must be a reasonable expectation that the modification will be successful. The reason to modify the references, as well as the reasonable expectation of success, must be found in the prior art and not based on the Applicant's disclosure.

Failure to meet any one of these criteria -- a teaching or suggestion of all claimed elements, a reason to combine or modify the references, and a reasonable expectation of success - - is sufficient to render an obviousness rejection improper. Furthermore, As noted by Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.

The Office Action concedes "that in Williams et al. that call control information is transmitted through the bearer channel of an established call." Office Action, page 3.

Accordingly, Williams fails to teach or suggest a call initiating communication including an identification of the initiating device and an identification of a network administration application as recited in Claim 1.

The Applicant respectfully submits that Venkateshwaran fails to provide the teachings missing from Williams. In support of the rejection of Claim 1, the Office Action states that:

However, note Col. 1, lines 14-61 of Venkateshwaran et al. where the call is not established. It would have been obvious to one of ordinary skill in the art to have incorporated such a step as sending the call control information where a call has not be establish as disclosed by Venkateshwaran et al. into Williams as such would only the substitution of one known means of sending call control information for another.

Office Action, page 3. While cited portions of Venkateshwaran discuss "features such as call forwarding, call waiting, call holding, audio calling name, and call answering services" (*see*, Venkateshwaran, col. 1, lines 17-19), Venkateshwaran fails to teach or suggest a call initiating communication as recited in Claim 1, which is missing from Williams as discussed above. Instead, Venkateshwaran appears to relate to monitoring an operational status of a network element. *See*, Venkateshwaran, Abstract.

The Applicant further submits that Williams teaches away from receiving a call initiating communication including an identification of an initiating device and an identification of a network administration application. In contrast, Williams states that:

call control information is transmitted through the bearer channel of the established call. The call control information is detected and retrieved from the bearer channel by the bearer channel monitor. The call control information is further processed to effect a designated call service feature to the parties of the established call. (Underline added.)

Williams, col. 5, lines 36-42. *See also*, Williams, col. 2, lines 45-48; col. 3, lines 32-34; col. 6, lines 39-41; and col. 11, lines 12-15 and lines 61-64. Because Williams discusses retrieving call control information from a bearer channel of an established call, Williams teaches away from a call initiating communication as recited in Claim 1.

Accordingly, the Applicant respectfully submits that Claim 1 is patentable over Williams. The Applicant further submits that independent Claims 23 and 45 are also patentable for reasons similar to those discussed above with respect to Claim 1. In addition,

dependent Claims 2, 4-11, 24, 26-33, 46-47, and 50-52 are patentable at least as per the patentability of Claims 1, 23, and 45 from which they depend.

Independent Claims 12, 34, And 48 Are Patentable

Claims 12, 34, and 48 have been rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Williams in view of U.S. Patent No. 6,072,857 to Venkateshwaran *et al.* ("Venkateshwaran"). The Applicant respectfully submits, however, that Claims 12, 34, and 48 are patentable for at least the reasons discussed below.

Claim 12, for example, recites a method of operating a communication network, the method comprising:

receiving a command communication at a switch for a target device, the command communication including an identification of an initiating device, an identification of the target device, and a code identifying an action relating to service for the target device wherein receiving the command communication comprises receiving a call initiating communication;

forwarding the command communication from the switch for the target device to a network administration application corresponding to the switch for the target device; and

initiating action at the network administration application relating to service for the target device according to the code included in the command communication. (Underline added.)

The Applicant respectfully submits that Williams and Venkateshwaran fail to teach or suggest receiving a command communication at a switch for a target device including a code identifying an action relating to service for the target device, wherein receiving the command communication comprises receiving a call initiating communication. As discussed above with respect to Claim 1, Williams states that:

call control information is transmitted through the bearer channel of the established call. The call control information is detected and retrieved from the bearer channel by the bearer channel monitor. The call control information is further processed to effect a designated call service feature to the parties of the established call. (Underline added.)

Williams, col. 5, lines 36-42. *See also*, Williams, col. 2, lines 45-48; col. 3, lines 32-34; col. 6, lines 39-41; and col. 11, lines 12-15 and lines 61-64. Accordingly, Williams fails to teach

or suggest a call initiating communication including an identification of an initiating device, an identification of the target device, and a code as recited in Claim 12. Venkateshwaran fails to provide this missing teaching for reasons similar to those discussed above with respect to Claim 1. Moreover, Williams teaches away from a call initiating communication as recited in Claim 12 because Williams discusses retrieving call control information from a bearer channel of an established call.

Accordingly, the Applicant respectfully submits that Claim 12 is patentable over Williams. The Applicant further submits that independent Claims 34 and 48 are also patentable for reasons similar to those discussed above with respect to Claim 12. In addition, dependent Claims 13-22, 35-44, 49, and 53-55 are patentable at least as per the patentability of Claims 12, 34, and 48 from which they depend.

Dependent Claims 6, 16, 20, 28, 38, 42, 47, 49 And 50-55 Are Separately Patentable

Dependent Claims 6, 16, 20, 28, 38, 42, 47, 49, and 50-55 are patentable for at least the reasons discussed above with respect to independent Claims 1, 12, 23, 34, 45, and 48. These claims are also separately patentable for at least the additional reasons discussed below.

Claim 50, for example, depends from Claim 1 and thus includes all recitations discussed above with respect to Claim 1. In addition, Claim 50 recites that "the code identifying the action relating to the target device is included in a redirecting party field of the command communication." While Williams discusses a Signaling System 7 (SS7) network (*see*, Williams, col. 6, lines 21-23) and Integrated Services Digital Network User Part (ISUP) common channel signaling messages (*see*, Williams, col. 4, lines 48-50), Williams fails to teach or suggest the non-conventional use of a redirecting party field as recited in Claim 50. While Venkateshwaran discusses custom call processing features, Venkateshwaran fails to provide missing teachings regarding call initiating communications, much less a code included in a redirecting party field. Instead, Venkateshwaran relates to monitoring an operation status of a network element.

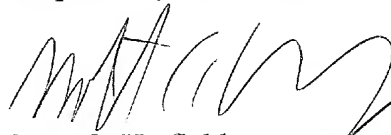
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Accordingly, the Applicant respectfully submits that Claim 50 is separately patentable over Williams. The Applicant further submits that Claims 6, 28, 47, 51, and 52 are separately patentable for reasons similar to those discussed above with respect to Claim 50.

CONCLUSION

Accordingly, the Applicant submits that all pending claims in the present application are in condition for allowance, and a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact the undersigned attorney by telephone should any additional issues need to be addressed.

Respectfully submitted,

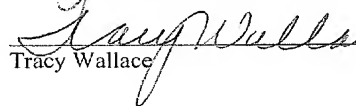


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on November 25, 2008.


Tracy Wallace